

House Bill 1163

By: Representatives Morgan of the 39<sup>th</sup>, Gardner of the 57<sup>th</sup>, Bruce of the 64<sup>th</sup>, Hugley of the 133<sup>rd</sup>, Watson of the 91<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 15-11-28 of the Official Code of Georgia Annotated, relating to jurisdiction of juvenile court, so as to change provisions relating to superior court transferring certain cases under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 15-11-28 of the Official Code of Georgia Annotated, relating to jurisdiction of juvenile court, is amended by striking subparagraph (b)(2)(B) and inserting in lieu thereof the following:

"(B) After indictment, the superior court may ~~after investigation,~~ upon motion of the court or either party, conduct a hearing and may for ~~extraordinary~~ cause transfer any case involving a child 13 to 17 years of age alleged to have committed any offense enumerated in subparagraph (A) of this paragraph ~~which is not punishable by loss of life, imprisonment for life without possibility of parole, or confinement for life in a penal institution.~~ Notice of the hearing, including the date, time, place, and purpose of the hearing, shall be given in writing to the child and the child's parents, guardian, or other custodian, at least three days before the hearing. In considering a motion to transfer, the court shall consider the interests of the child and the community; the child's prior involvement in juvenile proceedings; the child's age; the child's psychological and physical health; and the particular circumstances of the alleged act. The court in its discretion shall determine if transfer is proper. Any such transfer shall be appealable by the State of Georgia pursuant to Code Section 5-7-1. After indictment, upon consent of or stipulation by the parties, the superior court shall transfer any case involving a child 13 to 17 years of age alleged to have committed any offense enumerated in subparagraph (A) of this paragraph. Upon ~~such~~ a transfer by the

1 superior court, jurisdiction shall vest in the juvenile court and jurisdiction of the  
2 superior court shall terminate. Any case transferred by the superior court to the juvenile  
3 court pursuant to this subparagraph shall be subject to the designated felony provisions  
4 of Code Section 15-11-63 and the transfer of the case from superior court to juvenile  
5 court shall constitute notice to the child that such case is subject to the designated  
6 felony provisions of Code Section 15-11-63."

7 **SECTION 2.**

8 All laws and parts of laws in conflict with this Act are repealed.